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OFFICE OF PETITIONS

In re Application of :
Ahmet Mursit Eskicioglu et al :
Application No. 09/581,064 : DECISION ON PETITION
Filed: October 7, 2002 :
Attorney Docket No. RCA88783 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 27, 2006, to revive the above-identified application.

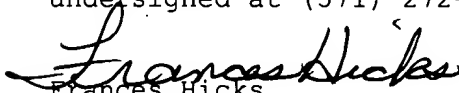
The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed November 4, 2005, the appeal is dismissed and the proceedings as to the rejected claims terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on January 5, 2006. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an appeal brief (an amended appeal brief was filed on September 11, 2006), (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely file an appeal brief within the period provided by 37 CFR 41.37(a)(1) is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 2135 for appropriate action in the normal course of business on the appeal brief.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions